

***Case No COMP/M.2637 -  
NUTRICIA / BAXTER /  
2.HSC***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89  
MERGER PROCEDURE**

---

Article 6(1)(b) NON-OPPOSITION  
Date: 06/12/2001

*Also available in the CELEX database  
Document No 301M2637*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06-12-2001  
SG (2001) D/292602/292603

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties**

Dear Madam and Sir,

**Subject: Case No. COMP/M.2637 NUTRICIA /BAXTER/2. HSC**

Notification of 08.11.2001 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89<sup>1</sup>

Publication in the Official Journal of the European Communities No. C 322, 17.11.2001, page 19.

1. On 08.11.2001, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings Nutricia Deutschland GmbH ("Nutricia") and Baxter Deutschland Holding GmbH ("Baxter") acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking 2. HSC Home Supply + Care Beteiligungs GmbH ("2. HSC"), a newly created company, by way of purchase of shares.
2. The business activities of the undertakings concerned are:

For Nutricia: development, production and sales of specialised nutrition products, such as infant and clinical nutrition.

---

<sup>1</sup> OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

For Baxter: manufacture and sale, among others, of parenteral nutrition products and the distribution of infusion management devices.

For 2. HSC: sale and delivery of enteral and parenteral clinical nutrition products, as well as of pumps and disposables used for the application of these products, to outpatients and home care services in order to ensure the correct application of these products.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph a, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>2</sup>.
4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission

---

<sup>2</sup> OJ C 217, 29.07.2000, p. 32.